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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,688	06/13/2001	Stuart Creque	CREQ-502	4474
7590	09/21/2004		EXAMINER	NGUYEN, THU HA T
Andrew V. Smith Sierra Patent Group P.O. Box 6149 Stateline, NV 89449			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/882,688	CREQUE, STUART	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thu Ha T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 June 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-17 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**D ETAILED ACTION**

1. Claims 1-17 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

**Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the requested content...the document...the data...the content..." in lines 6-10.

Claim 5 recites the limitation "the content", in page 15, line 2.

Claim 9 recites the limitation "the content" in page 15, line 18.

Claim 13 recites the limitation "the content", in page 16, line 5.

Claim 14 recites the limitation "the form...the requested content...the document...the data...the content...the content..." in page 16 lines 11-16.

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There are insufficient antecedent basis for these limitations in the claims.

Appropriate correction is required.

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C.

§ 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 13-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Bengtson** U.S. Publication No. **US 2002/0049781**.

6. As to claim 1, Bengtson teaches the invention as claimed, including a software program running on a content server computer having access to a content repository, the program providing instructions for one or more processors of the server computer to perform the steps of:

receiving a content retrieval request in the form of a digital data representation of at least one physical feature of the requested content and captured from the document by a data capture device (figures 1, 5, block 502, paragraphs 00005-0007, 0047-48);

parsing the data to identify the content from the digital data representation (figure 5, block 504, paragraph 0048);

retrieving the content from the content repository (figure 5, 506, paragraph 0048); comparing the content retrieved to the at least one physical feature of the content requested (figure 5, block 508, paragraph 0048-0049);

extracting the content requested from the content retrieved (figure 5, block 508, 510, paragraph 0049); and

responding to the content retrieval request (figures 5-6, paragraphs 0049-0050).

7. As to claim 2, Bengtson teaches the invention as claimed, wherein the data capture device includes an OCR wand (figure 1).

8. As to claim 3, Bengtson teaches the invention as claimed, wherein the content is unencoded with any document identifier other than physical features of the content including the at least one physical feature captured with the data capture device (paragraphs 0005-0008).

9. As to claim 4, Bengtson teaches the invention as claimed, wherein the content of the content repository is indexed according to physical features of the content (paragraphs 0005-0008, 0038, 0048-0049).

10. As to claim 14, Bengtson teaches the invention as claimed, including a method of retrieving content from a content repository, comprising the operations:

receiving a content retrieval request in the form of a digital data representation of at least one physical feature of the requested content and captured from the document by a data capture device (figures 1, 5, block 502, paragraphs 00005-0007, 0047-48);

parsing the data to identify the content from the digital data representation (figure 5, block 504, paragraph 0048);

retrieving the content from the content repository (figure 5, 506, paragraph 0048); comparing the content retrieved to the at least one physical feature of the content requested (figure 5, block 508, paragraph 0048-0049);

extracting the content requested from the content retrieved; and responding to the content retrieval request (figure 5, block 508, 510, paragraph 0049).

11. As to claim 15, Bengtson teaches the invention as claimed, wherein the data capture device includes an OCR wand (figure 1).

12. As to claim 16, Bengtson teaches the invention as claimed, wherein the content is unencoded with any document identifier other than physical features of the content including the at least one physical feature captured with the data capture device (paragraphs 0005-0008).

13. As to claim 17, Bengtson teaches the invention as claimed, wherein the content of the content repository is indexed according to physical features of the content (paragraphs 0005-0008, 0038, 0048-0049).

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#### **Claim Rejections - 35 USC § 103**

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 5-12 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Bengtson**, in view of **Rabbin** U.S. Patent No. **6,603,464**.

16. As to claim 5, Bengtson teaches the invention as claimed, including a method of retrieving content from a content repository, comprising the operations: sending a request over a network to a content server having access to a content repository, which content server retrieves the content from the content repository (figures 1, 5, block 502, paragraphs 00005-0007, 0047-48); and receiving a response from the server including the requested content (figures 5-6, paragraphs 0049-0050).

However, Bengtson does not explicitly teach capturing at least one physical feature of a requested content with a data capture device; and uploading a digital representation of the at least one physical feature of the requested content to a personal computing device. Rabbin teaches capturing at least one physical feature of a requested content with a data capture device (abstract, figure 1, col. 3, lines 2-29, col. 11, lines 20-30); and uploading a digital representation of the at least one physical feature of the requested content to a personal computing device (abstract, figure 1, col. 11, lines 31-45). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Bengtson and Rabbin to include data capture device captures at least one physical feature of a request content and uploads to a personal computer because it would have

an efficient communications system that can collect, capture and store and distribute written and optical information over the network.

17. As to claim 6, Bengtson teaches the invention as claimed, wherein the data capture device includes an OCR wand (figure 1).

18. As to claim 7, Bengtson teaches the invention as claimed, wherein the content is unencoded with any document identifier other than physical features of the content including the at least one physical feature captured with the data capture device (paragraphs 0005-0008).

19. As to claim 8, Bengtson teaches the invention as claimed, wherein the content of the content repository is indexed according to physical features of the content (paragraphs 0005-0008, 0038, 0048-0049).

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20. As to claim 9, Bengtson teaches the invention as claimed, including a software program running on a personal computing device having access to a network, the program providing instructions for one or more processors of the personal computing device to perform the steps of:

    sending a request over a network to a content server having access to a content repository, which content server retrieves the content from the content repository (figures 1, 5, block 502, paragraphs 00005-0007, 0047-48); and

receiving a response from the server including the requested content (figures 5-6, paragraphs 0049-0050).

However, Bengtson does not explicitly teach uploading a digital representation of the at least one physical feature of the requested content from a data capture device. Rabbin teaches uploading a digital representation of the at least one physical feature of the requested content from a data capture device (abstract, figure 1, col. 11, lines 31-45). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Bengtson and Rabbin to include a digital representation of the at least one physical feature of the requested content from a data capture device because it would have an efficient communications system that can collect, capture and store and distribute written and optical information over the network.

21. As to claim 10, Bengtson teaches the invention as claimed, wherein the data capture device includes an OCR wand (figure 1).

22. As to claim 11, Bengtson teaches the invention as claimed, wherein the content is unencoded with any document identifier other than physical features of the content including the at least one physical feature captured with the data capture device (paragraphs 0005-0008).

23. As to claim 12, Bengtson teaches the invention as claimed, wherein the content of the content repository is indexed according to physical features of the content (paragraphs 0005-0008, 0038, 0048-0049).

24. As to claim 13, Bengtson teaches the invention as claimed, including a method of storing and indexing a content repository, comprising the operations: indexing content according to physical features of the content (paragraphs 0005-0008, 0038, 0048-0049); and storing the content in the content repository, wherein the content is unencoded with any document identifier other than the physical features of the content (paragraphs 0005-0008, 0047-0049).

### **Conclusion**

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

26. Reimer et al. (USPN 6,065,042), Ur (USPN 6,249,283), Beizer (USPN 5,054,096) are recited for disclosing various information related to the claimed invention. Applicants are requested to consider these prior art references when responding to this office action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703)

305-7447. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

September 15, 2004

*mAlam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER